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APPLICATION NO.	FLING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,099	10/13/2005	Toshifumi Yasuda	SAEG191.002APC	4770

20995 7590 05/11/2007
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EXAMINER

LESLIE, MICHAEL S

ART UNIT	PAPER NUMBER
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3745

NOTIFICATION DATE	DELIVERY MODE
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05/11/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com
eOAPilot@kmob.com

Office Action Summary

Application No.

10/553,099

Applicant(s)

YASUDA ET AL.

Examiner

Michael Leslie

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 16, 18 and 19 is/are rejected.
- 7) ☒ Claim(s) 5-15, 17, 20 and 21 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 5/2006, 11/2006.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application
- ☐ Other: ____.

DETAILED ACTION

Specification

The abstract of the disclosure is objected to because it exceeds the limit of 150 words. Correction is required. See MPEP § 608.01(b).

Claim Objections

Claims 2-21 are objected to because of the following informalities: Claims 2-21, Line 1, "Claim" should be --claim--. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iino (4776165) in view of Fredriksen et al (5679085).

Iino discloses a load controller in a hydrostatic transmission receiving power from an engine (E), the transmission is a closed circuit having a pump (2) and a motor (4), and the load controller including a bypass oil line (6) for bypassing oil from the high pressure conduit to the low pressure conduit via a first opening/closing valve (CV), and an opening/closing valve controller (S1, S2, 14) that detects a load on the engine. Wherein the opening/closing valve controller includes a centrifugal governor on a rotating axis operating in collaboration with the

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pump or a torque governor, (S1). Iino does not explicitly teach that the vehicle engine branches power between an implement system and a travel system including the transmission.

Fredriksen et al discloses a vehicle having a load controlled engine that branches power to an implement system and a travel system including a transmission.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Iino by having the engine branch power to an implement system and a travel system including a transmission as taught by Fredriksen et al for the purpose of driving further vehicle implements and components.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Iino (4776165) in view of Fredriksen et al (5679085) as applied to claim1 above, and further in view of JU 1978-104886.

Iino, as modified, discloses a load controller as described above with respect to claim 1, but does not teach a second opening/closing valve on the outlet side of the first opening/closing valve.

JU 1978-104886 discloses a transmission circuit having a pump (1) and motor (2), a bypass line (5) a first opening/closing valve (6) and a manually operated second opening/closing valve (7) on the outlet side of the first opening/closing valve, (Fig. 1).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the system of Iino, as modified, by having a second opening/closing valve on the outlet side of the first opening/closing valve as taught by JU 1978-104886 for the purpose of allowing the vehicle operator to prevent bypassing of oil in the circuit.

Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iino (4776165) in view of Fredriksen et al (5679085) as applied to claim 1 above, and further in view of Hisao et al (JP 6265013).

Iino, as modified, discloses a load controller as described above with respect to claim 1, but does not teach a flow control valve on the outlet side of the first opening/closing valve.

Hisao et al discloses a transmission circuit having a pump (2) and motor (5), a bypass line (20) a first opening/closing valve (100) and a flow control valve (200) on the outlet side of the first opening/closing valve, (Fig. 1).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the system of Iino, as modified, by having a flow control valve on the outlet side of the first opening/closing valve as taught by Hisao et al for the purpose of controlling the speed of the flow in the bypass line.

Allowable Subject Matter

Claims 5-15, 17, 20, and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Leslie whose telephone number is (571) 272-4819. The examiner can normally be reached on M-F 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look can be reached on (571) 272-4820. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ML
May 4, 2007


Michael Leslie
Primary Examiner
AU 3745